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the regulation of the business of the trades which we should think of as exclusively governmental functions.

The compromise actually realized between free contract and the protection of workmen appears to correspond rather more nearly to the doctrine of our courts on this subject than to the principle which our legislatures have been trying to work out in such matters as truck and the legal limitations of hours of labor. As in this country the courts have been inclined to overrule anti-truck acts, the Austrian law permits the payment of wages in kind, unless there is a contract stipulating cash (though contracts to make purchases exclusively from particular stores are forbidden). Again, the Austrian law limits the employer's liability on account of accidents to cases in which positive negligence by the employer is proven. This evidently agrees with the earlier tendency of our law before the waning of the "fellow-servant" doctrine. With respect to that other standing subject of dispute between our courts and legislatures, a legal shortening of hours of labor, the Austrian law imposes so wide a limitation (eleven hours out of twenty-four in factories) that it would probably avoid the constitutional objection by which our courts have usually set aside eight-hour laws.

There are still evident occasional survivals from the "ancient régime," where, for example, it appears that entrance to the trades is not entirely free to all classes of persons.

The present volume is one part of a systematic presentation in condensed form of the whole body of Austrian law.

A. P. W.

Railway Co-operation. An Investigation of Railway Traffic Associations and a Discussion of the Degree and Form of Co-operation that should be Granted Competing Railways in the United States. By CHARLES S. LANGSTROTH and WILSON STILZ, with an introduction by MARTIN A. KNAPP, chairman of the Interstate Commerce Association. (Publications of the University of Pennsylvania, Series in Political Economy and Public Law, No. 15.) Published for the University. Philadelphia, 1899. 8vo. pp. xv + 210.

THE essays contained in this monograph were submitted in competition for a prize open to the members of the senior class of the

Wharton School of Finance. While the essay of Mr. Langstroth was awarded the prize, the essay of Mr. Stilz was considered of such merit that it has been published along with the prize essay.

The historical portion of each essay traverses the same ground. In each will be found an outline of the various steps in the railroad history of the United States connected with the co-operation of roads in regard to roads, rates, and traffic. The period reviewed extends from the age of beginnings down to the Joint Traffic Association.

The consideration of the forces underlying railroad competition and the indication of the limitations of competition, as applied to railroad enterprise, are set forth with greater clearness of statement in the essay of Mr. Langstroth than in that of Mr. Stilz. Mr. Stilz's style is marred by diffuseness. The presentation of the influence of locality on rates, contained in the essay of Mr. Langstroth, is a condensed piece of clear reasoning. Both authors show in their consideration of the local influences affecting rates the influence of the views of their instructor, Dr. Johnson. In stating that the desire of the railroads for combination is attributable to their belief that the effects of competition may thereby be avoided, Mr. Langstroth hardly does justice to the railroad position. The constant argument of the railroads has been that combination is necessary in order to escape the effects of *ruinous* competition. The author's own analysis shows that competition still exists under a pooling system.

The decision of the Supreme Court in the Joint Traffic case upset all the arrangements whereby the railroads were endeavoring to steady the condition of railroad business. At the same time the roads are forbidden to enter into pools. It is to the conclusion, then, of the authors, with reference to the method by which the difficulties of the existing system are to be met, that attention is to be devoted.

Both authors favor the legalization of the pooling system. Mr. Stilz recommends that pooling be legalized, the Interstate Commerce Commission being given power to fix maximum and minimum rates in pooling contracts, and to control the contents of the pooling contract. Subsidiary to this general recommendation he suggests that the power to fix through routes and rates, for which the commission has asked, be granted; that there be a uniform classification of freight; and that a railway-clearing house be established. Mr. Langstroth contents himself with recommending that the pooling contracts be subject to the approval of the commission, and that it should have

power to approve or reject these. This right is subject to an appeal from the decision of the commission to the Supreme Court. The commission is to maintain a constant oversight in regard to the pools, and if discriminations arise the pool offending is to be annulled.

While Mr. Langstroth's recommendation that there should be an appeal from the decision of the commission is justified by the fact that otherwise a dangerous power would be conferred upon the commission, it at the same time leaves a defect that would go far to neutralize the force of this proposed amendment. If there is no provision with reference to the finality of the testimony presented before the commission in such cases, then it will simply mean, as it does at present, that when the case comes up before the court on appeal, that the findings of the commission will go for naught. The recommendation of Mr. Stilz that powers in regard to maximum and minimum rates should be in the hands of the commission is subject to criticism from the standpoint of expediency. A power to affix amendatory maximum and minimum rates, the railway being, so to speak, on its good behavior, would lessen the difficulties in connection with this phase of policy, while at the same time obtaining the end desired.

Both essays present thoughtful treatment of the central problem of the transportation question of today. Both are stimulating. The statement of Mr. Knapp that "they are a valuable contribution to railway literature, and will be read with interest and profit by all who desire accurate knowledge of railway history and correct views of railway regulation," will command the approval of those who acquaint themselves with them.

S. J. McLEAN.

UNIVERSITY OF ARKANSAS.

A Tabulation of the Factory Laws of European Countries, in so far as they relate to the Hours of Labor and to Special Legislation for Women, Young Persons, and Children. By EMMA BROOKE. London: Grant Richards, 1898. 8vo. pp. 521.

THE tabulation is intended for three classes of persons—the expert, the student, and the so-called practical men and women of affairs—as a guide to facts. The laws of the following countries, regulating the employment in factories of women, children, and young persons, are tabulated and explained: France, Belgium, Holland; Germany,